

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: DISCUSS POTENTIAL ENHANCEMENTS TO THE DEVELOPMENT REGULATIONS IN RESIDENTIAL SINGLE FAMILY (RS) DISTRICTS, TO PROTECT AND PROMOTE THE CHARACTER OF THE CITY'S SINGLE-FAMILY NEIGHBORHOODS.

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) and recommend that the City Commission refer an ordinance to the Planning Board.

### **BACKGROUND/HISTORY**

On February 3, 2025, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred a discussion item pertaining to enhanced development regulations in single family districts (C4 AA) to the LUSC.

### **ANALYSIS**

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss potential enhancements to the LDRs for new single-family homes, and that greater consideration be given to the scale, massing and height of new homes, particularly in relation to the established context of the neighborhood. The sponsor has also requested that the Administration develop potential options for the LUSC to discuss, which may include the following:

1. To encourage lower building heights, creating an option for increases in maximum unit size and lot coverage.
2. Expanding setback requirements for portions of the upper levels of single-family homes.
3. Enhancing and expanding the requirements for mandatory design elements along the side and front portions of understory areas.
4. Establishing additional, minimum landscape buffer requirements along interior sides of properties.
5. Review and strengthen the criteria for the demolition of single-family homes, where permissible under State law.
6. To address the lack of diversity in the design of newly constructed homes, establish design guidelines for the City's most emblematic architecture styles, to promote the highest caliber of architectural design. For example, some cities have adopted specific design patterns and construction guidelines that reflect their unique culture or historic significance, such as incorporating elements of local materials, distinctive stylistic features (e.g., rounded corners,

glass blocks, red-tiled roofs, or stucco finishes) and traditional construction methods, while still allowing for modern innovation and sustainability. These guidelines are intended to help property owners and others understand the special features and characteristics of Miami Beach's historic neighborhoods and incorporate that understanding into designs for new construction.

Specific to the sponsors proposals, the following are some preliminary responses and recommendations:

#### Lower Building Heights

New single-family homes are required, at a minimum, to have the first habitable floor of the home located at base flood elevation plus minimum freeboard (BFE + 1'). The current minimum freeboard is one (1') foot, but most new single-family homes are built above this, including non-understory homes. As such, new homes are significantly higher than older homes, which often results in an imbalance from a visual and architectural context standpoint.

Unfortunately, the increased height in new single-family construction is due, in large part, to address the challenges associated with excessive rain, increased tides and potential storm surges. This is the nature of constructing residential buildings on a barrier island.

Although reduced floor to ceiling heights of habitable floors could, potentially, reduce the overall height of new homes, the overall reduction in height would be negligible when considering the requirements associated with minimum flood elevation requirements. Also, most new homes typically need a floor-to-floor height of at least nine feet to ten feet, in order to accommodate basic infrastructure such as plumbing and ventilation.

Additionally, the current regulations for new homes have very robust requirements pertaining to open space, setbacks, and landscaping. Larger homes are required to have enhanced movement on long expanses of interior side elevations, as well as additional setbacks for the second level of a home. Collectively, these requirements do result in homes that are sensitive to neighboring smaller homes, particularly when the home is complete, and the landscape begins to mature.

While the LDRs could be amended to create an incentive for lower building heights by increasing maximum unit size and lot coverage, this could result in more oversized homes that grow horizontally, and still have a significant height impact. On balance, given the current minimum flood elevation requirements, a slight reduction in building height would likely not be offset by an increase in unit size and lot coverage. As such, the Administration does not recommend amending the LDRs to incentivize lower building height in single family districts.

#### Expanding setback requirements for upper levels of single-family homes.

Currently, the LDRs contain minimum set back requirements for the upper levels of single-family homes. Specifically, for two story homes with an overall lot coverage of 25 percent (25%) or greater, the following is required for the second floor of a new home, as well as a new single-story home that exceeds 18 feet in height:

- At least 35 percent (35%) of the second floor along the front elevation shall be set back a minimum of 5 feet from the minimum required setback.
- At least 50 percent (50%) of the second floor along a side elevation facing a street shall be set back a minimum of 5 feet from the minimum required setback.

These minimum requirements have been effective in establishing architectural movement in new single family home construction. Additionally, a separate item is pending before the LUSC regarding the potential simplification of these requirements. At this time, the Administration does not recommend amending the LDRs to expand the upper-level setback requirements in single

family districts.

#### Enhancing mandatory design elements along the side and front of understory areas

To further enhance the mandatory design elements associated with the side and front of understory residences, the following amendments (underscore) to the applicable RS regulations in Chapter 7 of the LDRs are proposed:

##### **7.2.2.3 Development Regulations (RS)**

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- b. *The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

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#### **6. Understory Level Standards**

*The following regulations shall apply to non-air conditioned Understory space located below minimum flood elevation, plus freeboard, Except as otherwise provided in this Code, homes with understories may be approved administratively, as provided herein:*

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- F. *A continuous soffit shall be lowered a minimum of 2 feet from the lowest slab of the first level above the understory area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services, unless concealed by other architectural method(s). The materials for the soffit shall be consistent with the material palette utilized for the home and shall enhance the overall aesthetic of the home.*

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- H. *Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be set back a minimum of 5 feet from each side of the underneath of the walls of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The placement and design of non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments shall be employed in a manner that establishes and re-enforces an architectural connection with the habitable floors above. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.*

#### Expanding minimum landscape buffer requirements along interior sides of properties

To further expand landscape buffer requirements within required interior side yards in single family districts, the following amendments (underscore) to the landscape regulations in Chapter 4 of the LDRs are proposed:

##### **4.2.7 Buffers between single family homes and dissimilar land uses**

a. *Where a nonresidential zoning district abuts a residential zoning district and where such areas will not be entirely visually screened by an intervening building or structure from the abutting property, the abutting property line shall be provided by the nonresidential property if applying for new construction with a buffer consisting of the following:*

1. *A landscaped buffer strip shall consist of trees with understory evergreen shrubs and groundcovers within a minimum five-foot wide landscaped strip, regardless of minimum allowable setback.*
  2. *Trees with a minimum height of 12 feet shall be planted at a maximum average spacing of 20 feet on center. No less than 50 percent of the required trees shall be native species, and 100% of trees shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.*
  3. *Evergreen shrubs at a minimum of 24 to 36 inches high at time of planting may be used as a buffer and shall form a continuous screen between the dissimilar land uses within one year after planting. No less than 50 percent of the required shrubs shall be native species, and 100% of shrubs shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.*
  4. *Groundcovers shall be planted as understory to the trees and shrubs within the landscaped buffer strip. No less than 50 percent of the required groundcovers shall be native species, and 100% of groundcovers shall be low maintenance, drought tolerant, salt tolerant, and suitable for Miami Beach.*
  5. *Where site limits or constraints do not allow the five-foot wide landscaped buffer strip, provide a six-foot high wall or approved fence with a life expectancy of at least ten years. Vines may be used in conjunction with fences, screens or walls, in order to soften blank wall conditions.*
- b. Where new construction and additions are proposed in the RS districts, required interior side yards outside of the required front and rear yards shall include a landscaped buffer strip consisting of either i. bamboo or ii. trees such as green buttonwood, bay-rum, all-spice or similar species, with understory evergreen shrubs and groundcovers.*

#### Demolition criteria for single-family homes

Under State law, unless a single-family home was designated, either as part of a local historic district or as an individual historic structure, prior to January 1, 2022, cities are generally prohibited from regulating the demolition of a single-family home where any part of a habitable floor is below minimum flood elevation. As this flood elevation standard applies to virtually every single-family home in the City, there is little the City can do in terms of regulating the demolition of single-family homes, due to the preemptions under State law.

The City does have in place robust requirements for vacant lots created by the demolition of single-family homes, which have been effective in ensuring that vacant lots do not become an eyesore. As such, the Administration does not recommend amending the LDRs to modify demolition requirements for single family homes.

#### Establishing design guidelines to promote a high caliber of architectural design

New single-family homes, as well as additions to existing homes, are subject the following review criteria set forth in Chapter 7 of the LDRs:

- A. *The existing conditions of the lot, including, but not limited to, topography, vegetation, trees, drainage, and waterways shall be considered in evaluating the proposed site improvements.*
- B. *The design and layout of the proposed site plan inclusive of the location of all existing and proposed buildings shall be reviewed with particular attention to the relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, and view corridors. In this regard, additional photographic, and contextual studies that delineate the location of adjacent buildings and structures shall be required in evaluating compliance with this criterion.*
- C. *The selection of landscape materials, landscaping structures and paving materials shall be reviewed to ensure a compatible relationship with and enhancement of the overall site plan design and the surrounding neighborhood.*
- D. *The dimensions of all buildings, structures, setbacks, height, lot coverage and any other*

information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district.

- E. The design and construction of the proposed structure, and/or additions or modifications to an existing structure, indicates sensitivity to and compatibility with the environment and adjacent structures and enhances the appearance of the surrounding neighborhood.*
- F. The proposed structure is located in a manner that is responsive to adjacent structures and the established pattern of volumetric massing along the street with regard to siting, setbacks and the placement of the upper floor and shall take into account the established single family home context within the neighborhood.*
- G. The construction of an addition to main existing structure shall be architecturally appropriate to the original design and scale of the main existing structure; the proposed addition may utilize a different architectural language or style than the main existing structure, but in a manner that is compatible with the scale and massing of the main existing structure.*
- H. The construction shall be in conformance with the requirements of section 7.1.7 with respect to roof and exterior facade paint and material colors.*

The above noted review criteria is intended to address the established scale, character, and context of single-family districts, as well as foster a forward-thinking approach to new building construction and allow for the continued evolution of architectural design. Miami Beach has a rich history of architectural styles that have been developed over the last century, including Florida vernacular, Mediterranean revival, art-deco, streamline moderne and mid-century modern. A specific architectural style is not mandated in the LDRs for new single family homes built today, and a number of the new homes completed have furthered the successful continuum of evolving architecture in the City.

The Administration does not recommend adopting explicit guidelines and regulations that would mandate materials, architectural style or design elements. The reason is that the city's older homes, as well as evolving new construction, are successful in large part due to the creativity of architects and designers. Creating design mandates would curtail such creative expression by establishing requirements for architecture and design that would be applicable to all properties, and potentially run counter to the architectural language sought by a property owner and their architect.

To address the sponsor's initiative of promoting the highest caliber of architectural design, which is sensitive to the history of single-family architecture in Miami Beach, the following amendment (underscore) to the review criteria in Chapter 7 of the LDRs is proposed:

#### *7.2.2.3 Development Regulations (RS)*

- a. The review criteria and application requirements for the RS-1, RS-2, RS-3, RS-4 single family residential districts are as follows:*

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*2. Review criteria. Staff level review shall encompass the examination of architectural drawings for consistency with the review criteria below:*

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- E. The design and construction of the proposed structure, and/or additions or modifications to an existing structure, indicates sensitivity to and compatibility with the*

*environment and adjacent structures and enhances the appearance of the surrounding neighborhood. New construction should also utilize, to the greatest extent possible, local materials, as well as architectural details and elements unique to Miami Beach, and which respond to the characteristics of single family neighborhoods in Miami Beach.*

## **SUMMARY**

If there is consensus on the draft amendments to the LDRs provided herein, an ordinance can be prepared for review by the LUSC at a future date or sent directly to the City Commission for referral to the Planning Board.

## **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

## **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

## **FINANCIAL INFORMATION**

Not Applicable

## **CONCLUSION**

The Administration recommends that the LUSC endorse the proposed amendments to the LDRs and recommend that the City Commission refer an ordinance to the Planning Board.

## **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

## **Department**

Planning

## **Sponsor(s)**

Commissioner Alex Fernandez

## **Co-sponsor(s)**

**Condensed Title**

Discuss Potential Enhancements To The Development Regulations In Residential Single Family (RS) Districts, To Protect And Promote The Character Of The City's Single-Family Neighborhoods.